

Attorney Ref. No. 112.P14025

REMARKS

The present patent application has been reviewed in light of the office action, dated February 16, 2006 in which claims 1, 2, 4, 5 and 7-10 are rejected. Claims 1, 2, 4, 5, 7, and 8 are rejected under 35 U.S.C. 102(e). Claims 9 and 10 are rejected under U.S.C. 112, first paragraph. Claims 1, 2, 4, 5 and 7-10 are pending and presented for examination. Claims 4, 7, and 9 are currently amended. No new matter has been added. Reconsideration and further examination of the claims of the present patent application is respectfully requested in view of the following remarks.

Claim rejections – 35 USC §112, first paragraph

Claims 9 and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Examiner contends that “[t]he claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.” Examiner asserts that “a storage medium is never disclosed.” Assignee respectfully traverses this rejection.

Specifically, Examiner contends that assignee introduces new matter where assignee in claim 9, lines 2-4 recites:

a storage medium:
said storage medium having stored thereon instructions, that if
executed, result in;

The examiner is kindly reminded that:

The subject matter of the claim need not be described literally (i.e., using the same terms or in *haec verba*) in order for the disclosure to satisfy the description requirement. MPEP §2163.02

Further, disclosure may:

be supported in the specification through express, implicit, or inherent disclosure. MPEP §2163.I.B

Attorney Ref. No. 112.P14025

Contrary to Examiner's assertion, the specification clearly provides support for a storage medium where, in one, though not the only, embodiment:

The *controlling method* used by controller 214 includes, for example, common *PID control*. (page 5, lines 15-16 application as filed; emphasis provided)

Examiner is kindly reminded that:

Claims and disclosures are not to be evaluated in a vacuum. If elements of an invention are well known in the art, the applicant does not have to provide a disclosure that describes those elements. In such a case the elements will be *construed as encompassing any and every art-recognized hardware or combination of hardware and software technique for implementing the defined requisite functionalities*.

Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. MPEP §2106.II.C (emphasis provided)

"PID is the *control algorithm* most often used in industrial control. It is implemented in industrial single loop controllers, distributed control systems (DCS) and programmable logic controllers (PLC)." <<http://www.learncontrol.com/pid/> visited 4-13-06> (emphasis provided)

"[In a] proportional-integral-derivative controller (PID controller) [t]he controller compares a measured value from a process with a reference setpoint value. The difference or "error" signal is then *processed to calculate* a new value for a manipulated process input, which new value then brings the process measured value back to its desired setpoint. *Software PID loops* are the most stable, because they do not wear out..." <Wikipedia: http://en.wikipedia.org/wiki/PID_controller visited 4-12-06> (emphasis provided)

Attorney Ref. No. 112.P14025

"PID control is useful in systems where the load is continually varying and the controller is expected to respond automatically to frequent changes....[s]*software implementation* of the PID algorithm with 8-bit microcontrollers is well documented. [In one, of many, example] an 8-bit microcontroller is used to process the...results, and to implement the PID controller. The microcontroller adjusts the [appropriate parameters]. External *program memory and RAM are required* to operate the 8-bit microcontroller and *execute the program.*" (emphasis provided)

"To simplify [design] an integrated system-on-a-chip (SOC) solution can be used." One such SOC is the ADuC845 MicroConverter available from Analog Devices of Norwood, Massachusetts. "The ADuC845 MicroConverter includes *62K bytes of flash/EE program memory, 4K bytes of flash data memory, and 2K bytes of RAM.* The *flash data memory* can be used to *store the coefficients* for a 'tuned' PID loop...." (emphasis provided)

--Mixed-Signal Control Circuits Use Microcontroller for Flexibility in Implementing PID

Algorithms. By Eamon Neary; Analog Dialogue - Volume 38 - January 2004

<<http://www.analog.com/library/analogDialogue/archives/38-01/pid.html> visited 4-12-06>

In light of the forgoing, Assignee asserts that the control method disclosed in the specification, namely PID control, is well known to persons of ordinary skill in the art. Similarly, as evidenced above, it is well known that implementing PID may involve software. Furthermore, software oftentimes may be implemented utilizing at least in part a *storage medium* such as, but not limited to, Flash, EEPROM, and/or RAM memory. Therefore, Assignee respectfully requests that Examiner withdraw the rejection of claims 9-10.

Claim rejections - 35 USC §102(e)

Claims 1, 2, 4, 5, 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayakawa (U.S. Patent No. 6,130,993). The rejection is respectfully traversed. Contrary to Examiner's assertion, Hayakawa does not teach nor disclose:

Attorney Ref. No. 112.P14025

a vibration sensor mounted on the light-sensing device, the vibration sensor capable of detecting a magnitude of vibration of the light-sensing device;

as recited in claim 1. Examiner asserts that Hayakawa's "camera body" is a "light sensing device." Examiner is kindly reminded that:

Ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean exactly what they say. MPEP §2111.01

Thus, Examiner should, at least, afford the phrase "camera body" its ordinary English meaning, rather than Examiner's own meaning.

It is therefore respectfully submitted that it is improper for Examiner to now interpret the Hayakawa reference as teaching something that it does not teach, especially where that interpretation was contrary to the Examiner's previous statements regarding what Hayakawa does not teach. In the first office action of October 4, 2005 Examiner concedes that: *"...Hayakawa does not specifically disclose that the vibration sensor is mounted on the light-sensing device..."* (page 5; lines 7-8). Then again in the second office action of February 16, 2006 Examiner again admits that *"...Hayakawa fails to specifically disclose how the vibration sensor is mounted..."* (page 5; line 1). Examiner is indeed correct that Hayakawa never discloses nor claims where the vibration sensor is mounted. Examiner is kindly reminded that, in order to support an anticipation rejection:

The identical invention must be shown in as complete detail as in the ...claim.
MPEP §2131 (emphasis provided).

Examiner is kindly requested to point to the specific language in Hayakawa showing the identical invention as Assignee or to otherwise withdraw the rejection. Also, as claim 2 depends from claim 1, it too is not anticipated by Hayakawa and Examiner is requested to also withdraw this rejection.

Attorney Ref. No. 112.P14025

Currently amended claim 4 and claim 5, are method claims corresponding to claims 1 and 2. Currently amended claim 4 and claim 5 stand rejected for reasons given for rejecting claims 1 and 2. As claims 1 and 2 are believed to be patentably distinguished from the cited reference it is believed that currently amended claim 4 and claim 5 are similarly patentably distinguished from the reference. Similarly, currently amended claim 7 and claim 8, in means-plus-function format, are rejected for reasons given for claims 1 and 2 respectively. As claims 1 and 2 are believed to be patentably distinguished from the cited reference it is believed that currently amended claim 7 and claim 8 are similarly patentably distinguished from the reference.

Hayakawa does not anticipate claims 1, 2, 4, 5, 7, nor 8 due to the fact that Hayakawa does not disclose the identical invention as recited in claims 1, 2, 4, 5, 7, and 8. It is, therefore, respectfully requested that the rejection be withdrawn.

It is noted that the claimed subject matter may be patentably distinguished from the cited patent for additional reasons; however, the forgoing is believed to be sufficient. Likewise, it is noted that Assignee's failure to comment directly upon any of the positions asserted by Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

Attorney Ref. No. 112.P14025

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3703.

Invitation for a Telephone Interview

The Examiner is invited to call the undersigned attorney, Kenneth J. Cool, at (503) 439-6500 if there remains any issue with allowance.

Respectfully submitted,
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